

(1925) 12 BOM CK 0012
In the Bombay High Court
Case No : O.C.J. Appeal No. 93 of 1925

Purshottam Hurjivan

APPELLANT

Vs

Navanitlal Hurgovandas

RESPONDENT

Date of Decision : 03-12-1925

Acts Referred:

Citation : (1926) 28 BOMLR 148 : (1926) ILR (Bom) 275 : 94 Ind. Cas. 15

Hon'ble Judges : Norman Macleod, J;Coyajee, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Norman Macleod, Kt., C.J.—This is an appeal from a decision of Tara-porewala J, on a notice of motion taken out by the petitioner in the course of the proceedings he had instituted under the Guardians and Wards Act for his appointment as guardian of the person and property of his minor wife.

2. On April 17, the Judge announced that he would dismiss the petition, but would deliver his judgment giving his reasons therefore after the vacation.

3. On April 21, an article was published in the Sanj Vartaman headed: "Sensational case in the Bania community in Bombay.

4. It is admitted that Purshottam Hirji had got the article written out by his clerk, and had sent the clerk with it to the Sanj Vartaman for publication. Thereupon the petitioner gave notice to the editor of the Sanj Vartaman, Purshottam Harji, and M.N. Mehta, the clerk, that the Court would be moved for an order committing thorn for contempt of Court.

5. The matter came on before Taraporewala J. on June 18. A number of affidavits were filed in the case most of them absolutely unnecessary, and lengthy arguments were addressed to the Judge, which have been considered by him in a most exhaustive and painstaking manner; but the matter lies in a nutshell.

6. Whether the petition had been heard in chambers or in Court, there can be no

doubt whatever that the publication of the article, considering its contents, before judgment was delivered, constituted a contempt of Court.

7. However in this case, the proceedings were held in the Judge's chambers throughout, and the question whether a newspaper can publish a report of proceedings instituted according to the rules in chambers, but heard as a matter of fact in a Court room, does not arise. But the practice always has been in this Court that in all chamber matters no reports of the proceedings or of judgments delivered are allowed to be published by the Press without the leave of the Judge. This is a very salutary practice, and, as far as I know, it has been recognised by the Press, Whether a failure to observe it in an ordinary chamber summons issued in the course of a suit, would justify the Court in treating it as a contempt, it is not necessary to decide, but certainly with regard to matters relating to wards and lunatics and matters in which the publication of certain facts would cause injury to individuals the rule of practice is absolute, In other matters no Judge would be likely to refuse permission without very good reason, nor, on the other hand, is it likely that a newspaper editor would wish to act counter to a practice which has now been authoritatively notified as existing.

8. The order made by the learned Judge imposing a fine of Es. 300 on Purshottam Harji and directing him to pay the applicant's costs as between attorney and client was, in the circumstances of the case, a lenient one. The appeal is dismissed with costs.